

On January 23, 2002,<sup>(11)</sup> the following announcement was made:

MINORITY WHIP

Mr. [Richard] GEPHARDT [of Missouri]. Mr. Speaker, as leader of the Democratic Caucus, I have been directed to report to the House that the Democratic Members have selected as their minority whip the gentlewoman from California, the Honorable NANCY PELOSI.

As a matter of information to the Members of the House, it is my understanding that this is the highest position to which a woman has been elected in the history of the House of Representatives.

### C. Committee Assignments

## § 8. Electing Members to Committees

For many decades, the party organizations have played a significant role in assigning Members of the House to standing committees. Before the 20th century, the Speaker exercised a great deal of authority in assigning Members to committees. Following the “revolt” against Speaker Joseph Cannon of Illinois in 1910, this authority was taken away from the Speaker.<sup>(1)</sup> Since that time, committee assignments in the House have been made by the adoption of a simple resolution of the House that specifies which Members are to be assigned to which committees, who shall chair such committees, and the rank of each Member on those committee.<sup>(2)</sup>

The content of these committee election resolutions is developed by the party organizations. Essentially, each party is responsible for advancing a slate of nominees to fill open committee seats.<sup>(3)</sup> These committee election resolutions are privileged for consideration pursuant to clause 5(a) of rule

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11. 148 CONG. REC. 16, 107th Cong. 2d Sess.

1. See DE ALVA STANWOOD ALEXANDER, HISTORY AND PROCEDURE OF THE HOUSE OF REPRESENTATIVES, 41 (1916). Under the current rules, the Speaker is still authorized to appoint Members to all joint, select, and conference committees. See rule I, clause 11, *House Rules and Manual* § 637 (2017).
2. For more on committee assignments generally, see Deschler's Precedents Ch. 17 §§ 8–12 and Precedents (Wickham) Ch. 17.
3. For an unusual instance of a bipartisan committee election resolution, see Deschler's Precedents Ch. 3 § 11.1.

X,<sup>(4)</sup> if offered by the direction of the relevant party caucus.<sup>(5)</sup> Similarly, vacancies on committees are filled by the adoption of a committee election resolution offered at the direction of the appropriate party caucus.<sup>(6)</sup> Pursuant to clause 5(c)(1) of rule X,<sup>(7)</sup> committee chairs are elected on the nomination of the majority party caucus (by designating the individual to serve as chair in a committee election resolution). Traditionally, neither the Speaker nor the floor leaders serve on committees, though there have been exceptions.<sup>(8)</sup>

As noted above,<sup>(9)</sup> each of the two major party organizations maintains an internal committee to develop committee election resolutions to assign its members to standing committees of the House. For the Republican Conference, this committee is known as the Republican Steering Committee.<sup>(10)</sup> For the Democratic Caucus, this committee is known as the Democratic Steering and Policy Committee.<sup>(11)</sup> Formerly, the two organizations each maintained a “Committee on Committees” to determine party membership on committees of the House.<sup>(12)</sup> The internal Caucus and Conference rules have provided a variety of different mechanisms by which Members are assigned to committees, but the House only takes cognizance of the final product of those deliberations: the committee election resolutions offered on the floor.<sup>(13)</sup>

Members of the House who desire not to be affiliated with either of the two major political parties will nevertheless generally associate with one for purposes of being assigned to standing committees. In prior years, the majority party would customarily assume responsibility for assigning third-

4. *House Rules and Manual* § 757 (2017).

5. For parliamentary inquiries regarding the privilege of such a resolution, see § 8.2, *infra*.

6. Rule X, clause 5(e), *House Rules and Manual* § 762 (2017). The House does not take cognizance of “temporary” resignations from committees (which may be used for internal caucus seniority purposes). See § 8.3, *infra*.

7. *House Rules and Manual* § 761 (2017).

8. See Deschler’s Precedents Ch. 3 § 17.18. Under Democratic Caucus rules, a “leadership member” is appointed to the Committee on the Budget (pursuant to clause 5(a)(2)(A) of rule X, which provides that two members of the committee be designated by “the elected leadership” of each party). *House Rules and Manual* § 758 (2017). For an example of the Majority Leader being elected to fill this committee slot, see § 8.1, *infra*. The Minority Leader also serves as ex officio member of the Permanent Select Committee on Intelligence, pursuant to 11(a)(3) of rule X. *House Rules and Manual* § 785 (2017).

9. See § 4, *supra*.

10. Rules Committee Print 115–37, Republican Conference, 115th Cong., Rule 11.

11. Rules Committee Print 115–37, Democratic Caucus, 115th Cong., Rule 13.

12. For a description of these earlier committees, see Deschler’s Precedents Ch. 3 §§ 8, 9. For many years, Democratic Members of the Committee on Ways and Means would serve as that party’s “Committee on Committees.” See Deschler’s Precedents Ch. 3 §§ 3.11, 9.1–9.3, and 19.7.

13. See § 1, *supra*.

party or independent Members to committees.<sup>(14)</sup> More recently, it has been left to the independent or third-party Member to decide which caucus (that of the majority party or the minority party) is most appropriate to advance the required committee election resolution.<sup>(15)</sup>

While the discussion of committee assignments above covers virtually all standing committees, the rules of the House provide special committee membership rules for three committees: the Committee on Ethics,<sup>(16)</sup> the Committee on the Budget,<sup>(17)</sup> and the Permanent Select Committee on Intelligence.<sup>(18)</sup> Thus, committee election resolutions offered by the party caucuses must adhere to the specific membership requirements imposed for those committees.<sup>(19)</sup> The Committee on Ethics is a bipartisan committee, with equal representation from each of the two major parties.<sup>(20)</sup> The Committee on the Budget permits the elected leadership of each party to designate one member of the committee.<sup>(21)</sup> Membership requirements of the

14. See Deschler's Precedents Ch. 3 § 9.4. Under even earlier practice, all Members not associating with the majority party were deemed minority Members and committee assignments for all such Members (even those not affiliating with the minority party) were made by the minority party. See 8 Cannon's Precedents §§ 2184, 2185.
15. For an example of an independent Member choosing to align with the Democratic Caucus for committee election purposes, see § 8.5, *infra*. For an example of an independent Member choosing to align with the Republican Conference for committee election purposes, see § 8.4, *infra*.
16. Rule X, clause 5(a)(3)(A), *House Rules and Manual* § 759 (2017). Additionally, investigative subcommittees of the Committee on Ethics are chosen from a pool of Members chosen by the Speaker and the Minority Leader, pursuant to clause 5(a)(4)(A) of rule X.
17. Rule X, clause 5(a)(2)(A), *House Rules and Manual* § 758 (2017).
18. Rule X, clause 11(a), *House Rules and Manual* § 785 (2017). Membership on the Permanent Select Committee on Intelligence is determined by the Speaker, pursuant to clause 11 of rule I, *House Rules and Manual* § 637 (2017). For parliamentary inquiries regarding an informal practice of consulting with the Minority Leader regarding such appointments, see § 8.6, *infra*.
19. *Parliamentarian's Note*: During the 102d and 103d Congresses, the Committee on House Administration maintained a Subcommittee on Administrative Oversight with unique bipartisan membership requirements. See H. Res. 423, 138 CONG. REC. 9039–79, 102d Cong. 2d Sess. (Apr. 9, 1992). See also Precedents (Wickham) Ch. 6. However, this subcommittee was eliminated in the 104th Congress. For more on committee membership generally, see Deschler's Precedents Ch. 17 §§ 8–12 and Precedents (Wickham) Ch. 17.
20. *Parliamentarian's Note*: At the beginning of the 105th Congress, the House created a temporary Select Committee on Ethics whose provisions allowed a vacancy on the committee to be filled by the respective party leaders. See H. Res. 5, 143 CONG. REC. 122, 105th Cong. 1st Sess. (Jan. 7, 1997). For an example of filling a vacancy on this select committee by the Majority Leader, see § 8.7, *infra*.
21. *Parliamentarian's Note*: Formerly, two seats on the Committee on the Budget were reserved for Members of the elected leadership of the two major parties. In the 109th

Permanent Select Committee on Intelligence, including how many members from each major political party may serve on the committee, have varied over the years. Currently, membership on the Permanent Select Committee stands at 22 Members, of whom not more than 13 may be members of the same political party.<sup>(22)</sup>

Certain joint committees of the House and the Senate have membership rules that involve partisan affiliation.<sup>(23)</sup> For example, the Joint Economic Committee's ten House members are appointed by the Speaker—six from the majority party and four from the minority party.<sup>(24)</sup> The Joint Committee on Taxation's five House members (chosen by the Committee on Ways and Means from members of that committee) are divided on a partisan basis as well—three from the majority party and two from the minority party.<sup>(25)</sup> The Joint Congressional Committee on Inaugural Ceremonies is established quadrennially by concurrent resolution of both Houses and its three House members are traditionally the Speaker, the Majority Leader, and the Minority Leader.<sup>(26)</sup>

In the 98th Congress in 1983, the standing rules of the House were amended to provide that service on a standing committee be contingent on the Member concerned continuing to affiliate with the party organization that nominated him or her to the position.<sup>(27)</sup> Under this rule, when a Member ceases to be a member of the caucus that nominated him or her, any committee assignments for that Member are automatically vacated. The chair of the respective party caucus is required to inform the Speaker whenever a member of that caucus ceases his or her affiliation, and the Speaker in turn is required to inform the chairs of all affected committees that the Member's election to those committees has been vacated. Letters from the

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Congress, this rule was amended to provide only that these seats be filled by Members *designated* by the elected leaderships of the two parties. Rule X, clause 5(a)(2)(A), *House Rules and Manual* § 758 (2017).

22. Rule X, clause 11(a), *House Rules and Manual* § 785 (2017). For an example of changing the Permanent Select Committee on Intelligence's membership requirements by unanimous consent, see § 8.8, *infra*.
23. Pursuant to clause 11 of rule I, the Speaker appoints Members to joint committees. *House Rules and Manual* § 637 (2017). For an older example of the Majority Leader offering a resolution to place a Member on two joint committees, see Deschler's Precedents Ch. 3 § 17.12.
24. 15 U.S.C. § 1024(a).
25. 26 U.S.C. § 8002(a)(2).
26. *House Rules and Manual* § 1112 (2017).
27. Rule X, clause 5(b), *House Rules and Manual* § 760 (2017). Clause 10(a) of rule X extends this requirement to select and joint committees as well. *House Rules and Manual* § 782 (2017).

caucus chair and the Speaker regarding these actions are laid before the House for the information of Members.<sup>(28)</sup>

When Members switch parties, their membership on committees is first vacated pursuant to the rules described above. Subsequently, the switching Members are again elected to committees via new committee election resolutions—this time offered at the direction of the new party with which they now affiliate. Independent or third-party Members are not required to formally join either of the major party caucuses in order to maintain their committee assignments, but they must continue their affiliation with the caucus that nominated them to those positions.

### *In General*

**§ 8.1 A newly-elected Majority Leader resigned from one committee position (in consonance with the tradition that the party floor leaders do not serve on committees) but was elected to another committee position that, by rule, was reserved for a Member from the leadership of the majority party.**

On October 16, 1989,<sup>(29)</sup> the following occurred:

#### RESIGNATION AS MEMBER OF COMMITTEE ON WAYS AND MEANS

The SPEAKER laid before the House the following resignation as a member of the Committee on Ways and Means:

*House of Representatives,  
OFFICE OF THE MAJORITY LEADER,  
Washington, DC, October 5, 1989.*

Hon. THOMAS S. FOLEY,  
*Speaker, House of Representatives,  
H-209, The Capitol, Washington, DC.*

DEAR MR. SPEAKER: I am writing to formally offer my resignation, effective immediately, from my seat on the House Ways and Means Committee.

**28.** For the first instance of the application of this rule regarding continued party affiliation, see 130 CONG. REC. 24790, 24791, 98th Cong. 2d Sess. (Sept. 11, 1984). For the most recent instance at the time of this writing, see § 8.9, *infra*. For other examples, see: 135 CONG. REC. 2500, 101st Cong. 1st Sess. (Feb. 22, 1989); 141 CONG. REC. 12396, 104th Cong. 1st Sess. (May 10, 1995); 141 CONG. REC. 14424, 104th Cong. 1st Sess. (May 25, 1995); 141 CONG. REC. 18252, 18253, 104th Cong. 1st Sess. (July 10, 1995); 141 CONG. REC. 24717, 104th Cong. 1st Sess. (Sept. 12, 1995); 141 CONG. REC. 32627, 104th Cong. 1st Sess. (Nov. 15, 1995); 141 CONG. REC. 36172, 36173, 104th Cong. 1st Sess. (Dec. 12, 1995); 145 CONG. REC. 16586, 106th Cong. 1st Sess. (July 19, 1999); 146 CONG. REC. 401, 106th Cong. 2d Sess. (Feb. 1, 2000); 146 CONG. REC. 17832, 17833, 106th Cong. 2d Sess. (Sept. 13, 2000); 150 CONG. REC. 65, 108th Cong. 2d Sess. (Jan. 20, 2004); and 150 CONG. REC. 17535, 17536, 108th Cong. 2d Sess. (Sept. 7, 2004).

**29.** 135 CONG. REC. 24714, 101st Cong. 1st Sess.

I offer this resignation with mixed emotions. Since 1977 I have been a member of the Committee. These years have been very exciting and productive with the passage of Tax Reform, the Omnibus Trade Bill, Welfare Reform and other major legislation. I am proud of my contributions in these areas and will be sad to resign my position.

At the same time, I am excited about my recent election to the post of Majority Leader. I feel that great days lie ahead for the House and our Nation. I believe that my new responsibilities will require all my time and energy.

In advance, thank you for your consideration of this request.

Yours very truly,

RICHARD A. GEPHARDT.

The SPEAKER.<sup>(30)</sup> Without objection, the resignation is accepted.

There was no objection. . . .

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#### ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. [Richard] GEPHARDT [of Missouri]. Mr. Speaker, I offer a privileged resolution (H. Res. 265) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 265

*Resolved*, That the following Members be, and are hereby, elected to the following standing committees of the House of Representatives:

Committee on Agriculture, Gary Condit, California.

Committee on the Budget, Richard A. Gephardt, Missouri, to rank after Leon E. Panetta, Chairman.

Committee on Government Operations, Gary Condit, California.

Committee on House Administration, Thomas J. Manton, New York.

Committee on Interior and Insular Affairs, Tim Johnson, South Dakota.

Committee on Post Office and Civil Service, Charles A. Hayes, Illinois.

Committee on Public Works and Transportation, Pete Geren, Texas.

Committee on Ways and Means, Benjamin L. Cardin, Maryland.

The resolution was agreed to.

A motion to reconsider was laid on the table.

**§ 8.2 In response to a parliamentary inquiry, the Speaker stated that language included in a resolution electing the chair of a certain standing committee to provide that his powers and duties be exercised by the vice chair until otherwise ordered by the House was properly incidental to the ambit of the resolution, since relevant to the election and consequent empowerment of the chair, and thus did not affect the privilege of the resolution.**

On February 6, 1991,<sup>(31)</sup> the following parliamentary inquiries were raised regarding the privilege of a committee election resolution:

**30.** Thomas Foley (WA).

**31.** 137 CONG. REC. 3198, 3199, 102d Cong. 1st Sess.

## PARLIAMENTARY INQUIRIES

Mr. [Robert] WALKER [of Pennsylvania]. Mr. Speaker, I have parliamentary inquiries. The SPEAKER.<sup>(32)</sup> The gentleman will state his inquiries.

Mr. WALKER. Mr. Speaker, in further reference to my written inquiry to the Parliamentarian about the meaning of and the circumstances surrounding the inclusion in House Resolution 43 of a proviso which states that “the powers and duties conferred upon the chairman of the Committee on Interior and Insular Affairs shall be exercised by the vice chairman thereof until otherwise ordered by the House,” does the inclusion of this proviso in any way affect the privileged nature of the resolution electing Members to standing committees of the House—and the reason I ask is that the correspondence I have received from the Parliamentarian cites one precedent, but that precedent involves a resolution that was called up by unanimous consent—is there any precedent for including language such as this in a privileged resolution?

The SPEAKER. The Chair knows of no precise precedent, but the Chair considers the provision incidental to the normal privileged resolution providing for the election and consequent empowerment of the chairman of the committee.

Mr. WALKER. Mr. Speaker, I have a further parliamentary inquiry.

As I understand it, clause 6(b) of rule XI provides that in the temporary absence of the chairman the vice chairman shall act as chairman—we have already had an automatic transfer of authority. The Parliamentarian stated in correspondence to me on this subject—correspondence which I would ask unanimous consent be included in the RECORD in its entirety at this point.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania? There was no objection.

The correspondence referred to is as follows:

HOUSE OF REPRESENTATIVES,  
*Washington, DC, January 31, 1991.*

Hon. WILLIAM H. BROWN,  
*Parliamentarian, House of Representatives,  
The Capitol, Washington,  
DC.*

DEAR BILL: I am writing with regard to H. Res. 43, providing for the election of Members of standing committees of the House, agreed to on Thursday, January 24. The paragraph listing Members elected to the Committee on Interior and Insular Affairs includes the following language:

*Provided*, That the powers and duties conferred upon the chairman of the Committee on Interior and Insular Affairs by the House rules shall be exercised by the Vice Chairman thereof until otherwise ordered by the House.

In this connection, I am interested in receiving your responses to the following questions: (1) has this language or any similar language ever appeared in a resolution providing for the election of Members to House committees? (2) what precisely does this proviso mean? and (3) why wasn't the minority informed about the inclusion in the resolution of this language?

Your assistance will be appreciated. I look forward to hearing from you at your earliest opportunity.

32. Thomas Foley (WA).

Sincerely,

ROBERT S. WALKER.

*The Speaker's Rooms,*  
HOUSE OF REPRESENTATIVES,  
*Washington, DC, February 1, 1991.*

Hon. ROBERT S. WALKER,  
*House of Representatives,*  
*Washington, DC.*

DEAR BOB: In your letter of January 31, 1991, you inquire about the meaning of and the circumstances surrounding the inclusion in H. Res. 43 on January 24, 1991 of the proviso electing Members to the Committee on Interior and Insular Affairs which states that "the powers and duties conferred upon the chairman of the Committee on Interior and Insular Affairs by the House rules shall be exercised by the Vice Chairman thereof until otherwise ordered by the House."

To my knowledge, a precedent for this type of resolution occurred on March 18, 1954 where the House agreed to a resolution permitting the powers and duties conferred on the chairman of a standing committee to be exercised during the absence of the chairman by the next ranking majority members thereof until otherwise ordered by the House. (Deschler's Precedents, Vol. 4, Ch. 17, sec.17.5). On that occasion, Speaker Martin recognized Majority Leader Halleck to call up the resolution by unanimous consent during the 83d Congress after the committees had been elected. The Parliamentarian's note following that precedent suggests that the resolution may have been necessary because the Chairman of the Committee on Merchant Marine and Fisheries was unable to perform the duties of signing subpoenas, vouchers, and appointing subcommittee due to illness.

While clause 6(b) of Rule XI provides that in the temporary absence of the chairman the Vice Chairman shall act as chairman, it would appear that the language included in H. Res. 43 would impose upon the House the responsibility of determining when the chairman of the Committee on Interior and Insular Affairs should resume his powers and duties. Although I am not aware of any precedent for inclusion of such language in an initial resolution electing members to committees, it does appear that the House has at least in one case taken this step when a chairman's disability developed during the course of a Congress after he had been elected. The inclusion of this provision in the resolution electing the majority members was the responsibility of the majority party caucus and was presumably undertaken as a matter incidental to the election and consequent empowerment of Representative Udall as chairman in that same resolution. I am not aware of the extent of consultation, if any, between the majority and minority leadership on this question, although it was presented as part of the privileged resolution electing members presented by the majority party caucus pursuant to clause 6(a), Rule X.

I will be glad to discuss this question with you further at your convenience.

Sincerely,

BILL BROWN.

Mr. WALKER. In that letter he says that the proviso included in House Resolution 43 imposed additionally on the House the responsibility to determine when the chairman of the committee should resume his powers and duties.

Who will make that decision?

The SPEAKER. It would, under this provision, require the House to make a determination as to the time at which the full authority of Mr. UDALL as chairman would



be restored. It is true that House rules provide that, in the temporary absence of the chairman, the vice chairman of the committee should assume responsibility. But in a situation with which the House is presently involved, the absence of the distinguished chairman of the committee is for a period of time that is presently not known and it was thought advisable to confer more specific authority on the vice chairman of the committee to carry on the duties of the chairman until the House should otherwise order and determine.

Mr. WALKER. I have a further parliamentary inquiry, Mr. Speaker.

We have established that a subsequent order of the House will be necessary to restore powers and duties to the chairman of the committee. Would such a subsequent order take the form of a privileged resolution that could be called up at the direction of the majority party caucus or the minority party conference?

The SPEAKER. If called by the direction of the majority caucus, it would be privileged under clause 6(a)(1) of rule X. Such a privilege attaches to the minority conference only when making recommendations with regard to the assignment of its Members to committees or the election of its members to committees.

Mr. WALKER. I thank the Chair.

**§ 8.3 Although the party caucuses may have seniority rules regarding “temporary” resignations from committee assignments, the House does not take cognizance of such a distinction and will thus treat any resignation from a committee as permanent.<sup>(33)</sup>**

On May 19, 1994,<sup>(34)</sup> the following resignations were laid before the House:

TEMPORARY RESIGNATIONS AS MEMBERS OF COMMITTEE ON SCIENCE,  
SPACE, AND TECHNOLOGY

The SPEAKER pro tempore laid before the House the following resignations as members of the Committee on Science, Space, and Technology:

HOUSE OF REPRESENTATIVES,  
*Washington, DC, February 10, 1994.*

Hon. THOMAS S. FOLEY,  
*The Speaker, House of Representatives,*  
*Washington, DC.*

DEAR MR. SPEAKER: I hereby submit my temporary resignation as a Member of the Committee on Science, Space, and Technology in order to serve on the Committee on the

**33.** *Parliamentarian’s Note:* A Democratic Caucus rule permitted “temporary” resignations from committees so that the resigning Member could serve on another committee without any loss of seniority with respect to the committee from which such Member resigned. However, the House does not accept any qualifications with respect to resignations from committees, and any return to a committee from which a Member “temporarily” resigned would need to be accomplished via a new committee election resolution. For a similar rule see Rules Committee Print 115–37, Democratic Caucus, 105th Cong., Rule 19(C).

**34.** 140 CONG. REC. 11040–41, 103d Cong. 2d Sess. See also Deschler’s Precedents Ch. 37 § 6.3.

Budget. It is my understand that my seniority status on the Committee on Science, Space, and Technology will be protected during my tenure on the Budget Committee.

Sincerely,

LYNN C. WOOLSEY.

HOUSE OF REPRESENTATIVES,  
*Washington, DC, May 12, 1994.*

Hon. THOMAS S. FOLEY,  
*Speaker of the House of Representatives,  
Washington, DC.*

DEAR MR. SPEAKER: I hereby submit my temporary resignation as a member of the Committee on Science, Space and Technology in order that I may serve on the Committee on the Budget. It is my understanding that my seniority status on the Committee on Science, Space and Technology will be protected during my tenure on the Budget Committee.

Sincerely,

GLEN BROWDER.

The SPEAKER pro tempore. Without objection, the resignations are accepted.  
There was no objection.

### ***Independent and Third-Party Members***

#### **§ 8.4 The House agreed to a privileged resolution submitted by direction of the majority party caucus electing an independent Member who caucused with that party to a standing committee.**

On January 6, 2001,<sup>(35)</sup> the following committee election resolution was agreed to:

##### **ELECTION OF MEMBER TO COMMITTEE ON APPROPRIATIONS**

Mr. [Porter] GOSS [of Florida]. Mr. Speaker, by direction of the Republican conference, I offer a privileged resolution (H. Res. 20) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 20

*Resolved*, That the following Member be, and he is hereby, elected to the following standing committee of the House of Representatives:  
Committee on Appropriations: MR. GOODE.

The resolution was agreed to.

A motion to reconsider was laid on the table.

#### **§ 8.5 The House agreed to a privileged resolution submitted by direction of the minority party caucus electing an independent Member who caucused with that party to a standing committee.**

On January 26, 2005,<sup>(36)</sup> the following committee election resolution was agreed to:

35. 147 CONG. REC. 116, 107th Cong. 1st Sess.

36. 151 CONG. REC. 808, 109th Cong. 1st Sess.

ELECTION OF MINORITY MEMBER TO COMMITTEE ON FINANCIAL SERVICES  
AND COMMITTEE ON GOVERNMENT REFORM

Mr. [Robert] MENENDEZ [of New Jersey]. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 50) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 50

*Resolved*, That the following named Member be and is hereby elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON FINANCIAL SERVICES.—Mr. Sanders (to rank immediately after Ms. Waters).

(2) COMMITTEE ON GOVERNMENT REFORM.—Mr. Sanders (to rank immediately after Mr. Kanjorski).

The resolution was agreed to.

A motion to reconsider was laid on the table.

**Consultation**

**§ 8.6 In response to parliamentary inquiries, the Speaker indicated that, while there was no explicit rule requiring consultation, he would nevertheless consult with the Minority Leader before exercising his authority with respect to the removal of minority party Members from a conference committee.**

On February 3, 1993,<sup>(37)</sup> the following occurred:

APPOINTMENT AS MEMBERS OF PERMANENT SELECT COMMITTEE ON  
INTELLIGENCE

The SPEAKER.<sup>(38)</sup> Pursuant to the provisions of clause 1 of rule XLVIII and clause 6(f) of rule X, the Chair appoints as members of the Permanent Select Committee on Intelligence the following Members of the House.

## PARLIAMENTARY INQUIRY

Mr. [Gerald] SOLOMON [of New York]. Mr. Speaker, if I might be recognized to pose a question to the Speaker, I wonder, under the new rules of the House that were adopted on opening day, could the Speaker explain his authority for appointing and removing Members from this select committee?

The SPEAKER. The Chair would advise the Member that the rules of the House as adopted on the opening day provide, in section 6(f) of rule X, that—

(f) The Speaker shall appoint all select and conference committees which shall be ordered by the House from time to time. At any time after an original appointment, the Speaker may remove Members or appoint additional Members to select and conference committees. In appointing members to conference committees the Speaker shall appoint no less than a majority of members who generally supported the House position as determined by the Speaker. The Speaker shall name Members who are primarily responsible

37. 139 CONG. REC. 1959, 103d Cong. 1st Sess.

38. Thomas Foley (WA).

for the legislation and shall, to the fullest extent feasible, include the principal proponents of the major provisions of the bill as it passed the House.

The Chair's interpretation of this rule is that, as in previous iterations of this rule in previous Congresses, there is in the appointment authority to conference and select committees by the Speaker no requirement, as such, for consultation with the minority or any other Members of the House, but it has been the constant practice of Speakers to consult with the minority leadership, particularly the minority or Republican leader, on the appointment of Members from the minority to such select and to such conference committees.

The view of the Chair is that although the rule is similar to previous rules in the terms of appointment, it adds an additional authority to remove Members or to add additional Members not found in previous rules.

It is the Chair's opinion that the practice of comity should be continued, and while the Chair will not state that there are no circumstances in which he would not remove a Member, including a minority Member, from a select or conference committee, it is the anticipation that the Chair would no more indulge in a removal without the consultation and the permission of the minority with respect to minority Members than he would appoint without consultation and the recommendation of the minority.

To state again, the Chair is not saying in every case he will never consider removing a Member, either of the majority or minority, but he would always do that with consultation, and for the vast majority, in virtually unanimous circumstances, it would be with the recommendation and/or the acquiescence or approval of the minority with respect to minority Members.

Mr. SOLOMON. Mr. Speaker, I certainly appreciate that clarification. Naturally we would prefer that there be never any circumstance, but we understand that it is your intention, then, to continue, as has been done in the past, to consult with the minority leader on either the appointment or the removal of any Republican member of any of those committees.

The SPEAKER. The gentleman is correct.

Mr. SOLOMON. I thank the Speaker.

The SPEAKER. The appointees are as follows: Mr. GLICKMAN of Kansas, chairman; Mr. RICHARDSON of New Mexico; Mr. DICKS of Washington; Mr. DIXON of California; Mr. TORRICELLI of New Jersey; Mr. COLEMAN of Texas; Mr. SKAGGS of Colorado; Mr. BILBRAY of Nevada; Ms. PELOSI of California; Mr. LAUGHLIN of Texas; Mr. CRAMER of Alabama; Mr. REED of Rhode Island; Mr. COMBEST of Texas; Mr. BEREUTER of Nebraska; Mr. DORNAN of California; Mr. YOUNG of Florida; Mr. GEKAS of Pennsylvania; Mr. HANSEN of Utah; and Mr. LEWIS of California.

### ***Special Committee Membership Rules***

#### **§ 8.7 The Majority Leader, pursuant to clause 4(e)(3) of rule X,<sup>(39)</sup> appointed a Member to the Select Committee on Ethics to replace a resigning Member.**

<sup>39</sup>. *Parliamentarian's Note*: In the 105th Congress, a Select Committee on Ethics was established to resolve a specific inquiry regarding the Speaker of the House commenced in the prior Congress. By House rule (only applicable for part of the 105th Congress),

On January 9, 1997,<sup>(40)</sup> the following occurred:

COMMUNICATION FROM HON. JIM BUNNING, MEMBER OF CONGRESS

The SPEAKER laid before the House the following communication from the Honorable JIM BUNNING, Member of Congress:

*Congress of the United States,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, January 8, 1997.*

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES,  
*The Capitol, Washington, DC.*

DEAR MR. SPEAKER: This is to notify you that I consider my service as a member of the Ethics Committee complete.

Best personal regards,

JIM BUNNING,  
*Member of Congress.*

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APPOINTMENT OF MEMBER TO SELECT COMMITTEE ON ETHICS

Mr. [Richard] ARMEY [of Texas]. Mr. Speaker, pursuant to clause 4(e)(3) of rule X, I hereby appoint the Honorable LAMAR SMITH of Texas to fill a vacancy on the Select Committee on Ethics.

**§ 8.8 The House by unanimous consent prescribed the size of the Permanent Select Committee on Intelligence as not more than 20 (of whom not more than 11 may be from the same party) notwithstanding the committee membership requirements in clause 11(a)(1) of rule X.<sup>(41)</sup>**

On January 6, 2001,<sup>(42)</sup> the following unanimous-consent request was transacted to alter the composition of the Permanent Select Committee on Intelligence:

COMPOSITION OF PERMANENT SELECT COMMITTEE ON INTELLIGENCE

Mr. [Porter] GOSS [of Florida]. Mr. Speaker, I ask unanimous consent that, notwithstanding the requirement of clause 11(a)1 of rule X, the Permanent Select Committee

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any vacancy on the select committee was to be filled by the “Leader of the party concerned.” H. Res. 5, 143 CONG. REC. 122, 105th Cong. 1st Sess. (Jan. 7, 1997). The Speaker would normally appoint all members of select committees, but as the Speaker himself was the subject of the inquiry, this provision regarding filling vacancies by party floor leaders was included.

40. 144 CONG. REC. 278, 105th Cong. 1st Sess.

41. *House Rules and Manual* § 785 (2017).

42. 147 CONG. REC. 115, 107th Cong. 1st Sess.

on Intelligence be composed of not more than 20 Members, Delegates, or the Resident Commissioner, of whom not more than 11 be from the same party.

The SPEAKER pro tempore.<sup>(43)</sup> Is there objection to the request of the gentleman from Florida?

There was no objection.

### ***Affiliation with Party Organization***

**§ 8.9 Under clause 5(b) of rule X,<sup>(44)</sup> membership on a standing committee is contingent on continuing membership in the party caucus that nominated the Member for election thereto, and when a Member ceases to be a member of a party caucus: (1) the chair of the caucus notifies the Speaker; (2) the Speaker notifies the chairs of each standing committee to which the Member was elected that the Member's election to the committee is automatically vacated; and (3) the Speaker lays before the House communications regarding these actions for the information of the body.**

On December 23, 2009,<sup>(45)</sup> the following occurred:

#### COMMUNICATION FROM THE HON. JOHN B. LARSON, CHAIRMAN, DEMOCRATIC CAUCUS

The SPEAKER pro tempore laid before the House the following communication from the Honorable JOHN B. LARSON, Chairman, Democratic Caucus:

*Democratic Caucus,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, December 23, 2009.*

Hon. NANCY PELOSI,  
*Speaker of the House, U.S. Capitol,  
Washington DC.*

DEAR MADAM SPEAKER: This is to notify you that the Honorable Parker Griffith of Alabama has resigned as a Member of the Democratic Caucus.

Sincerely,

JOHN B. LARSON,  
*Chairman.*

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#### COMMUNICATION FROM THE SPEAKER

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

HOUSE OF REPRESENTATIVES,  
*December 23, 2009.*

<sup>43</sup> Ray H. LaHood (IL).

<sup>44</sup> *House Rules and Manual* § 760 (2017).

<sup>45</sup> 155 CONG. REC. 33067, 111th Cong. 1st Sess. See also 130 CONG. REC. 24790, 24791, 98th Cong. 2d Sess. (Sept. 11, 1984).

Hon. JAMES L. OBERSTAR,  
*Chairman, Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.*

DEAR MR. CHAIR: This is to advise you that Representative Parker Griffith's election to the Committee on Transportation and Infrastructure has been automatically vacated pursuant to clause 5(b) of rule X effective today.

Best regards,

NANCY PELOSI,  
*Speaker of the House.*

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COMMUNICATION FROM THE SPEAKER

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

HOUSE OF REPRESENTATIVES,  
*December 23, 2009.*

Hon. NYDIA M. VELÁZQUEZ,  
*Chairman, Committee on Small Business, Rayburn House Office Building, Washington, DC.*

DEAR MADAM CHAIR: This is to advise you that Representative Parker Griffith's election to the Committee on Small Business has been automatically vacated pursuant to clause 5(b) of rule X effective today.

NANCY PELOSI,  
*Speaker of the House.*

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COMMUNICATION FROM THE SPEAKER

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

HOUSE OF REPRESENTATIVES,  
*December 23, 2009.*

Hon. BART GORDON,  
*Chairman, Committee on Science and Technology, Rayburn House Office Building, Washington, DC.*

DEAR MR. CHAIR: This is to advise you that Representative Parker Griffith's election to the Committee on Science and Technology has been automatically vacated pursuant to clause 5(b) of rule X effective today.

Best regards,

NANCY PELOSI,  
*Speaker of the House.*